

REMARKS

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Claims 17-20 and 27-32 are presented for consideration. Claims 17, 20, 27 and 30 are independent. Claims 27 and 29-31 have been amended to clarify features of the subject invention. Support for these changes can be found in the original application, as filed. Therefore, no new matter has been added.

Applicants note with appreciation that claims 17-20 have been allowed over the art of record and that claims 27-32 have been indicated as containing allowable subject matter and would be allowed if rewritten or amended to overcome the rejections under 35 U.S.C. §112, first and second paragraphs. Applicants submit that these claims have been so amended. Applicants further submit, therefore, that these claims likewise should be deemed allowable.

Applicants request favorable reconsideration and withdrawal of the rejections set forth in the above-noted Office Action.

Claims 27-32 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Specifically, the Examiner asserted that the control unit which “obtains offset data for offsetting detection results” made by the position detecting unit, and which “obtains corrected data by correcting detection results” made by the position detecting unit is not adequately described in the specification to enable one skilled in the art to make and/or use the invention. The Examiner’s contentions are respectfully traversed.

Claims 27-32 also were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserted that the phrase “offset data for offsetting detection results” in claims 27 and 30 was vague. These contentions also are respectfully traversed.

Without conceding the propriety of the Examiner’s contentions, Applicants have amended claims 27 and 29-31 in light of the Examiner’s comments. Specifically, regarding the Examiner’s rejection under 35 U.S.C. § 112, first paragraph, the words “offset data” and “corrected data” have been changed to -- first data -- and -- second data --, respectively. In addition, these words are defined with respect to the notion of “offset,” without using the word “correction.”

Regarding the Examiner’s rejection under 35 U.S.C. § 112, second paragraph, Applicants have clarified the definition of the first data (offset data) by reciting the phrase -- with which detection results made by said position detecting unit are offset --. Furthermore, the definition of the second data (corrected data) has been clarified by reciting the phrase -- for positioning a region of the object in the direction of the optical axis --. Applicants submit that these changes clarify the need for the first data, as well as the relationship between the second data and the claimed apparatus.

Applicants submit that the foregoing changes to claims 27 and 29-31 overcome the Examiner’s rejections under 35 U.S.C. § 112, first and second paragraphs. Applicants submit, therefore, that independent claims 27 and 30, for example, as well as claims 28, 29, 31 and 32 depending therefrom, likewise should be deemed allowable.


For the foregoing reasons, Applicants submit that the present invention, as recited in independent claims 27 and 30, also is patentably defined.

Dependent claims 28, 29, 31 and 32 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicants further submit that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,


Attorney for Applicants
Steven E. Warner
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SEW/eab